

Serial No.: 10/027,796
Amendment dated 28 February 2005
Reply to Office Action mailed 28 December 2004

Docket No.: KCC-16,487

REMARKS

This Patent Application has been reconsidered carefully in light of the Office Action dated as mailed on 28 December 2004. A careful reconsideration of the application by the Examiner in light of the foregoing amendments and the following remarks is respectfully requested.

This response is timely filed as it is filed within the three (3) month shortened statutory period for response to the outstanding Office Action. Further, as this response is hereby filed within two (2) months of the mailing date of the outstanding Office Action, it is understood that the shortened statutory period will expire on the date the advisory action is mailed should such advisory action not be mailed until after the end of the three-month shortened statutory period.

There is no additional claim fee due for this Amendment because the total number of claims does not exceed the number of independent and dependent claims for which fees have previously been paid.

Amendments to the Claims

By the above Amendment, independent Claim 5 was amended to require a ribbon cover *laid over the side seam and covering the side seam*, and having a first edge portion bonded *directly* to an outer surface of the first side panel and a second edge portion bonded *directly* to the outer surface of the second side panel.

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Independent Claim 15 was amended to require a first ribbon cover having a first edge portion bonded *directly* to an outer surface of the first front side panel and a second edge portion bonded *directly* to an outer surface of the first back side panel and a second ribbon cover having a first edge portion bonded *directly* to an outer surface of the second front side panel and a second edge portion bonded *directly* to an outer surface of the second back side panel.

Independent Claims 38 and 39 each was amended to require a ribbon cover *laid over the side seam and covering at least a portion of the side seam*. Each of independent Claims 38 and 39 was further amended to require the edge portion of the second side panel folded flat with respect to *and bonded directly to* an outer surface of the second side panel.

Claims 2-8, 13, 15-18, 38 and 39 remain in the application.

Claim Rejections - 35 U.S.C. § 102(b)

Claims 15 and 18 were rejected under 35 U.S.C. § 102(b) as being anticipated by U.S. Patent 5,603,123 ("Chupa"). Applicants respectfully traverse this rejection, particularly in view of the above Amendment and the following remarks.

Independent Claim 15 has been amended to require a first edge portion of a first ribbon cover bonded *directly* to an outer surface of the first front side panel and a second edge portion bonded *directly* to an outer surface of the first back side

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panel. Claim 15 was also amended to require a first edge portion of a second ribbon cover bonded *directly* to an outer surface of the second front side panel and a second edge portion bonded *directly* to an outer surface of the second back side panel.

Chupa does not disclose a side seam connecting an inner surface of an edge portion of a front side panel to an inner surface of an edge portion of a back side panel, as required by Applicants' claimed invention. See Chupa Figs. 10-13. Further, Chupa does not disclose a first edge portion of a ribbon cover bonded *directly* to an outer surface of the front side panel and a second edge portion of the ribbon cover bonded *directly* to an outer surface of the back side panel, as required by Applicants' claimed invention. Rather, Chupa discloses that material 214 can be added to portion 30 and material 216 can be added to portion 32. However, neither material 214 or 216 is bonded *directly* to each garment portion 30 and 32, otherwise, garment portions 30 and 32 could not be separated by disengaging closure means 36 and 38. See Chupa Figs. 2, 5, 6, and 9.

Claim 18 depends from and further limits independent Claim 15, which Applicants believe is patentable for at least the reasons presented above.

Applicants believe that the above Amendment and remarks overcome the Examiner's rejection of Claims 15 and 18 under 35 U.S.C. § 102(b) as being anticipated by Chupa. Applicants respectfully request withdrawal of this rejection.

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Claim Rejections - 35 U.S.C. § 103(a)

Claims 16 and 17 were rejected under 35 U.S.C. § 103(a) as being unpatentable over Chupa in view of U.S. Patent 5,635,290 ("Stopper et al."). This rejection is respectfully traversed, particularly in view of the above Amendment and the following remarks.

Claims 16 and 17 depend from and further limit independent Claim 15, which Applicants believe is patentable for at least the reasons presented above. Applicants respectfully request withdrawal of this rejection.

Claims 2-8, 13, 38 and 39 were rejected under 35 U.S.C. § 103(a) as being unpatentable over UK Patent Application 2 071 564 ("Clares") in view of PCT International Application WO96/16220 ("Asahi"). This rejection is respectfully traversed, particularly in view of the above Amendment and the following remarks.

Applicants have amended independent Claim 5 to require the limitation that the ribbon cover is *laid over the side seam and covering the side seam*. Similarly, each of independent Claims 38 and 39 was amended to require a ribbon cover *laid over the side seam and covering at least a portion of the side seam*. Support for this amendment is found throughout Applicants' specification, for example at page 11, lines 10-16 and page 13, lines 11-17. Amended Claim 5 requires that a first edge portion of the ribbon cover is bonded *directly* to an outer surface of the first side panel

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and a second edge portion of the ribbon cover is bonded *directly* to the outer surface of the second side panel.

Each of independent Claims 5, 38 and 39 was further amended to require the edge portion of the second side panel folded flat with respect to *and bonded directly to* an outer surface of the second side panel.

The invention of Clares relates to manufacturing waterproof clothing, such as jackets, trousers and overalls. Clares teaches a method for forming a seam wherein a strip of tape is sewn between two sheets of fabric with a single line of stitching. One sheet 12 and flaps 15, 16 of the tape are folded about the line of stitching and the tape is fused to seal the line of stitching.

Clares does not teach or suggest a ribbon cover that is *laid over a side seam and covering the side seam or at least a portion of the side seam*, as required by Applicants' claimed invention. Further, Clares does not teach or suggest an edge portion of the second side panel folded flat with respect to *and bonded directly to* an outer surface of the second side panel, as required by Applicants' claimed invention.

Asahi does not overcome the deficiencies of Clares. Asahi teaches a joint for waterproof clothing including a hot melt resin layer that is welt seamed. Asahi does not teach or suggest a ribbon cover that is *laid over a side seam and covering the side seam or at least a portion of the side seam*, as required by

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Applicants' claimed invention. Thus, one of ordinary skill in the art would not be motivated to modify Clares to include the limitations of Asahi, as suggested by the Examiner.

Applicants believe that the above Amendment and remarks overcome the Examiner's rejection of Claims 2-8, 13, 38 and 39 under 35 U.S.C. § 103(a) as being unpatentable over Clares in view of Asahi. Applicants respectfully request withdrawal of this rejection.

Conclusion

It is believed that the above Amendment places all pending claims in condition for allowance and notification to that effect is solicited. However, should the Examiner detect any remaining issue or have any question, the Examiner is kindly requested to contact the undersigned, preferably by telephone, in an effort to expedite examination of this Patent Application.

Respectfully submitted,



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